IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

LA.App..No. 1535 of 2007()

LAR.2/2003 of SUB COURT, MAVELIKKARA
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APPELLANT: IST RESPONDENT

STATE OF KERALA REPRESENTED BY
A.G.P. MAVELIKKARA

BY GOVT.PLEADER SMT.K.R.DEEPA.

RESPONDENTS: CLAIMANTS AND RESPONDENTS 2 AND 3
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1. KESAVAN NAIR,KARIMBIN KANDATHIL,
AMBADIYIL, EVOOR NORTH CHEPPAD,

2. THE RAILWAY DEVISIONAL MANAGER
(WORKS) SOUTHERN RAILWAY WORKS, BRANCH DIVISIONAL
OFFICE, THIRUVANANTHAPURAM.

3. NTPC LTD, KAYAMKULAM.

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1535 of 2007

Dated 25th October, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR 2/2003 on the file of the Sub Court, Mavelikkara. It is seen that the reference court has placed reliance on Ext.A1 judgment in LAR 105/99. Though the reference court found that the property is not exactly similar and similarly situated, in view of the comparability of the acquired property, 20% value has been reduced from that of Ext.A1. It is also to be noted that Ext.A1 is in respect of an acquisition which is two years prior to the present acquisition. The extent involved is only 3.60 Ares. The reference court having thus referred to all the relevant aspects and having made a proper fixation of the market value, we do not find any ground to interfere with the judgment, particularly taking note of the fact that there is no appeal as of now against Ext.A1. The appeal is hence dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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